

WORKLOAD NARRATIVE

FIELD OPERATIONS

January 2017

Workload: In terms of in-coming appeals, January was the busiest month since September with verifications [17,978] running 1% above the fiscal year average. Dispositions [18,296] were right at their norm and exceeded verifications for the fourth straight month. The open inventory [25,526] is now 9% lower than the fiscal year average and at its lowest level since July 2015.

UI. In January, the number of new UI cases [16,461 cases; 9,975 appellants] was the highest since September, but at the fiscal year average. Closed cases [16,421 cases; 9,951 appellants] were 2% below the average and trailed intake for the first time since September. The open balance [14,930 cases; 9,048 appellants] rose marginally, but is 13% below the fiscal year average. The inventory of extension cases is now only 2% of the entire UI workload.

DI. In January, DI appeals [1,039] were the most since March 2016 and 16% greater than the fiscal year average. However, dispositions for disability cases [1,225] were the most numerous since March 2015 and 30% greater than the fiscal year norm. The open inventory [1,232] is at its lowest level in 22 months.

Tax, Rulings, Other. In tax, January was the mirror image of December. The number of new petitions [122] was the fewest since May 2012 and 44% below the fiscal year average. Meanwhile, dispositions [316] were the most since July and 27% higher than their fiscal year norm. The open inventory [4,555] fell for the first time since August and is right at the fiscal year average. For rulings, intake [345] was 35% above the average while output [317] was 12% higher than its average. Ironically, tax rulings had very high intake and low production while "regular" ruling cases had low intake and high output. Collectively, the open inventory for all ruling cases [4,789] rose slightly and is just 1% below the fiscal year average.

Case Aging and Time Lapse. Average case age has fallen for three consecutive months and at 26.3 days is at its lowest level since last April. 45-day time lapse [80.5%] improved for the second straight time and exceeded the DOL threshold. 30-day time lapse [58.2%] was up from

December, but still below federal requirements. For the first ten months of the DOL reporting year, 30-day time lapse is at 59.7% and 45-day time lapse at 80.9%. Attention will be maintained to ensure compliance by the end of March. The same general trends applied to extension case with improvement in all timeliness measures. Average case age fell to 29 days. 45-day time lapse improved to 78.9%. 30-day time lapse rose more than ten percentage points to 50.6%.

ALL PROGRAM FY TRENDS - FO

NEW OPENED CASES

| FY | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | TOTAL | Avg. | % Chg of Avg | Yr-Yr AvgChg | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------|--------------|--------------|--|
| 13/14 | 31,649 | 31,789 | 26,509 | 29,993 | 24,703 | 26,488 | 30,651 | 25,592 | 27,945 | 32,463 | 28,565 | 26,278 | 342,625 | 28,552 | | | |
| 14/15 | 26,130 | 23,655 | 23,363 | 22,861 | 17,201 | 21,439 | 18,740 | 17,502 | 21,282 | 23,417 | 19,659 | 21,153 | 256,402 | 21,367 | 75% | -7,185 | |
| 15/16 | 21,735 | 20,095 | 18,915 | 20,481 | 17,478 | 18,717 | 17,776 | 17,454 | 19,674 | 19,886 | 18,686 | 19,413 | 230,310 | 19,193 | 90% | -2,174 | |
| 16/17 | 17,474 | 20,251 | 18,179 | 17,336 | 16,650 | 16,629 | 17,978 | | | | | | 124,497 | 17,785 | 93% | -1,407 | |
| Multi | 11 | | | | | | | | | | | | 3 | | | | |
| | | | | | | | | | | | | | 15/16 | 93% | 92% | | |
| | | | | | | | | | | | | | 14/15 | 83% | 81% | | |
| | | | | | | | | | | | | | 13/14 | 62% | 62% | | |
| | | | | | | | | | | | | | chg 2016 avg | | chg 2016 YTD | | |
| All Programs registrations to date are down 8% from 15/16, down 19% from 14/15, and down 38% from 13/14 | | | | | | | | | | | | | | | | | |
| All Programs registrations monthly average is down 7% from 15/16, down 17% from 14/15, and down 38% from 13/14 | | | | | | | | | | | | | | | | | |

CLOSED CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | TOTAL | Avg. | % Chg of Avg | Yr-Yr AvgChg | | | | | |
|-------|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|--------------|--------------|--------------|--|--|--|--|--|
| 13/14 | 37,227 | 35,005 | 31,214 | 29,718 | 25,437 | 24,098 | 27,304 | 26,789 | 28,051 | 28,143 | 28,600 | 26,672 | 348,258 | 29,022 | | | | | | | |
| 14/15 | 27,086 | 25,897 | 22,225 | 25,206 | 18,498 | 20,377 | 20,925 | 22,273 | 22,494 | 21,249 | 20,206 | 20,759 | 267,195 | 22,266 | 77% | -6,755 | | | | | |
| 15/16 | 21,282 | 19,088 | 18,743 | 20,234 | 16,605 | 18,285 | 17,072 | 18,476 | 20,754 | 17,301 | 18,814 | 19,300 | 225,954 | 18,830 | 85% | -3,437 | | | | | |
| 16/17 | 17,075 | 20,264 | 17,527 | 18,337 | 16,990 | 18,984 | 18,296 | | | | | | 127,473 | 18,210 | 97% | -619 | | | | | |
| Multi | 2/4 | | | | | | | | | | | | 4/10 | | | | | | | | |
| | All Programs dispositions to date are down 3% from 15/16, down 20% from 14/15, and down 39% from 13/14 | | | | | | | | | | | | | 15/16 | 97% | 97% | | | | | |
| | All Programs dispositions average is down 3% from 15/16, down 18% from 14/15, and down 37% from 13/14 | | | | | | | | | | | | | 14/15 | 82% | 80% | | | | | |
| | | | | | | | | | | | | | | 13/14 | 63% | 61% | | | | | |
| | | | | | | | | | | | | | | chg 2016 avg | | chg 2016 YTD | | | | | |

BALANCE OPEN CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | | Avg. | % Chg of Avg | Yr-Yr AvgChg | |
|---|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------|--------------|--------------|--|
| 13/14 | 38,202 | 34,844 | 30,062 | 30,217 | 29,380 | 31,701 | 34,463 | 33,209 | 33,026 | 37,269 | 37,183 | 36,725 | | 33,857 | | | |
| 14/15 | 35,656 | 33,331 | 34,401 | 31,980 | 30,632 | 31,633 | 29,381 | 24,557 | 23,290 | 25,400 | 24,815 | 25,127 | | 29,184 | 86% | -4,673 | |
| 15/16 | 25,470 | 26,422 | 26,541 | 26,756 | 27,619 | 27,986 | 28,622 | 27,547 | 26,376 | 28,924 | 28,751 | 28,831 | | 27,487 | 94% | -1,697 | |
| 16/17 | 29,174 | 29,078 | 29,679 | 28,641 | 28,277 | 25,875 | 25,526 | | | | | | | 28,036 | 102% | 549 | |
| Multi | 15 6 6 7 7 | | | | | | | | | | | | | | | | |
| All Programs balance to date is up 4% from 15/16, down 14% from 14/15, and down 14% from 13/14 | | | | | | | | | | | | | | | | | |
| All Programs balance monthly average is up 2% from 15/16, down 4% from 14/15, and down 17% from 13/14 | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | 15/16 | 102% | 104% | | |
| | | | | | | | | | | | | | 14/15 | 96% | 86% | | |
| | | | | | | | | | | | | | 13/14 | 83% | 86% | | |
| | | | | | | | | | | | | | chg 2016 avg | | chg 2016 YTD | | |

RULING-OTHER FY TRENDS - FO

Program Codes 9, 13, 14, 19, 21, 22, 40, 44

NEW OPENED CASES

| FY | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------------|--------------|--------------|
| 13/14 | 432 | 380 | 219 | 89 | 135 | 112 | 156 | 223 | 402 | 791 | 601 | 228 | 3,768 | 314 | | |
| 14/15 | 231 | 217 | 190 | 119 | 71 | 133 | 97 | 152 | 329 | 464 | 396 | 294 | 2,693 | 224 | 71% | -90 |
| 15/16 | 247 | 254 | 123 | 144 | 228 | 380 | 316 | 249 | 210 | 418 | 148 | 229 | 2,946 | 246 | 109% | 21 |
| 16/17 | 314 | 162 | 239 | 248 | 272 | 292 | 356 | | | | | | 1,883 | 269 | 110% | 24 |

Ruling/Other registrations to date are up 11% from 15/16, up 78% from 14/15, and up 24% from 13/14

Ruling/Other registrations monthly average is up 10% from 15/16, up 20% from 14/15, and down 14% from 13/14

CLOSED CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------------|--------------|--------------|
| 13/14 | 329 | 322 | 574 | 598 | 162 | 223 | 204 | 383 | 288 | 130 | 156 | 113 | 3,482 | 290 | | |
| 14/15 | 174 | 106 | 269 | 209 | 160 | 284 | 116 | 139 | 915 | 243 | 286 | 206 | 3,107 | 259 | 89% | -31 |
| 15/16 | 271 | 176 | 196 | 193 | 186 | 95 | 120 | 118 | 220 | 219 | 238 | 308 | 2,340 | 195 | 75% | -64 |
| 16/17 | 290 | 333 | 211 | 207 | 354 | 344 | 334 | | | | | | 2,073 | 296 | 152% | 101 |

Ruling/Other dispositions to date are up 68% from 15/16, up 57% from 14/15, and down 14% from 13/14

Ruling/Other dispositions monthly average is up 52% from 15/16, up 14% from 14/15, and up 2% from 13/14

BALANCE OPEN CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------|--------------|--------------|
| 13/14 | 4,716 | 4,776 | 4,423 | 3,914 | 3,887 | 3,776 | 3,724 | 3,566 | 3,667 | 4,329 | 4,775 | 4,892 | 4,204 | | |
| 14/15 | 4,914 | 5,022 | 4,942 | 4,851 | 4,761 | 4,597 | 4,580 | 4,591 | 4,002 | 4,221 | 4,332 | 4,420 | 4,603 | 109% | 399 |
| 15/16 | 4,396 | 4,473 | 4,398 | 4,349 | 4,387 | 4,673 | 4,869 | 5,000 | 4,989 | 5,186 | 5,091 | 5,011 | 4,735 | 103% | 132 |
| 16/17 | 5,035 | 4,859 | 4,878 | 4,920 | 4,838 | 4,787 | 4,809 | | | | | | 4,875 | 103% | 140 |

Ruling/Other balance to date is up 8% from 15/16, up 1% from 14/15, and up 17% from 13/14

Ruling/Other balance monthly average is up 3% from 15/16, up 6% from 14/15, and up 16% from 13/14

| | | | |
|-------|--------------|--------------|--|
| 15/16 | 103% | 108% | |
| 14/15 | 106% | 101% | |
| 13/14 | 116% | 117% | |
| | chg 2016 avg | chg 2016 YTD | |

TAX FY TRENDS - FO

Program Codes 15, 17, 18, 32, 45, 46, 47, 48, 49

NEW OPENED CASES

| FY | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|--------------|--------------|
| 13/14 | 233 | 264 | 247 | 242 | 307 | 411 | 232 | 320 | 285 | 230 | 222 | 217 | 3,210 | 268 | | |
| 14/15 | 217 | 234 | 255 | 178 | 253 | 253 | 124 | 197 | 271 | 194 | 189 | 300 | 2,665 | 222 | 83% | -45 |
| 15/16 | 247 | 235 | 177 | 136 | 268 | 270 | 127 | 244 | 253 | 141 | 254 | 170 | 2,522 | 210 | 95% | -12 |
| 16/17 | 169 | 269 | 281 | 213 | 178 | 282 | 122 | | | | | | 1,514 | 216 | 103% | 6 |

Tax registrations to date are up 4% from 15/16, even with 14/15, and down 22% from 13/14

Tax registrations monthly average is up 3% from 15/16, down 3% from 14/15, and down 19% from 13/14

CLOSED CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|--------------|--------------|
| 13/14 | 214 | 263 | 352 | 231 | 151 | 185 | 208 | 265 | 232 | 129 | 257 | 300 | 2,787 | 232 | | |
| 14/15 | 200 | 149 | 195 | 174 | 145 | 120 | 81 | 150 | 143 | 212 | 252 | 272 | 2,093 | 174 | 75% | -58 |
| 15/16 | 196 | 93 | 64 | 76 | 81 | 139 | 121 | 73 | 141 | 164 | 160 | 285 | 1,593 | 133 | 76% | -42 |
| 16/17 | 512 | 264 | 178 | 161 | 138 | 171 | 316 | | | | | | 1,740 | 249 | 187% | 116 |

Tax dispositions to date are up 126% from 15/16, up 64% from 14/15, and up 8% from 13/14

Tax dispositions monthly average is up 87% from 15/16, up 43% from 14/15, and up 7% from 13/14

BALANCE OPEN CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------|--------------|
| 13/14 | 2,967 | 2,965 | 2,861 | 2,872 | 3,028 | 3,253 | 3,276 | 3,328 | 3,381 | 3,482 | 3,447 | 3,363 | 3,185 | | |
| 14/15 | 3,379 | 3,463 | 3,523 | 3,526 | 3,633 | 3,766 | 3,808 | 3,854 | 3,979 | 3,961 | 3,897 | 3,923 | 3,726 | 117% | 541 |
| 15/16 | 3,969 | 4,112 | 4,223 | 4,283 | 4,470 | 4,574 | 4,580 | 4,742 | 4,853 | 4,830 | 4,918 | 4,802 | 4,530 | 122% | 804 |
| 16/17 | 4,458 | 4,453 | 4,547 | 4,598 | 4,638 | 4,749 | 4,555 | | | | | | 4,571 | 101% | 41 |

Tax balance to date is up 6% from 15/16, up 27% from 14/15, and up 51% from 13/14

Tax balance monthly average is up 1% from 15/16, up 23% from 14/15, and up 44% from 13/14

| | | | |
|--------------|------|--------------|--|
| 15/16 | 101% | 106% | |
| 14/15 | 123% | 127% | |
| 13/14 | 144% | 151% | |
| chg 2016 avg | | chg 2016 YTD | |

DI FY TRENDS - FO
Program Codes 7, 10, 11, 12, 16 & 20

NEW OPENED CASES

| FY | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-------|-------|-------|-------|-----|-------|-------|-----|-------|-------|-------|-------|--------|--------------|--------------|--------------|
| 13/14 | 1,043 | 991 | 1,046 | 1,086 | 941 | 945 | 1,004 | 958 | 979 | 1,158 | 1,088 | 1,131 | 12,370 | 1,031 | | |
| 14/15 | 1,352 | 1,027 | 1,113 | 1,102 | 815 | 1,062 | 1,104 | 990 | 1,035 | 1,085 | 1,019 | 1,141 | 12,845 | 1,070 | 104% | 40 |
| 15/16 | 1,205 | 1,158 | 1,004 | 992 | 871 | 921 | 861 | 995 | 1,140 | 979 | 944 | 974 | 12,044 | 1,004 | 94% | -67 |
| 16/17 | 790 | 1,013 | 884 | 850 | 857 | 856 | 1,039 | | | | | | 6,289 | 898 | 90% | -105 |

DI registrations to date are down 10% from 15/16, down 17% from 14/15, and down 11% from 13/14
DI registrations monthly average is down 10% from 15/16, down 16% from 14/15, and down 13% from 13/14

CLOSED CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-------|-------|-------|-------|-----|-------|-------|-------|-------|-------|-------|-------|--------|--------------|--------------|--------------|
| 13/14 | 1,026 | 1,098 | 1,223 | 1,298 | 749 | 822 | 835 | 891 | 958 | 927 | 1,047 | 1,038 | 11,912 | 993 | | |
| 14/15 | 1,024 | 1,101 | 1,241 | 1,165 | 965 | 1,073 | 1,144 | 1,230 | 1,376 | 1,045 | 939 | 978 | 13,281 | 1,107 | 111% | 114 |
| 15/16 | 1,149 | 1,052 | 906 | 1,034 | 850 | 964 | 927 | 964 | 852 | 1,111 | 1,096 | 1,062 | 11,967 | 997 | 90% | -110 |
| 16/17 | 864 | 967 | 789 | 854 | 873 | 1,031 | 1,225 | | | | | | 6,603 | 943 | 95% | -54 |

DI dispositions to date are down 4% from 15/16, down 14% from 14/15, and down 6% from 13/14
DI dispositions monthly average is down 5% from 15/16, down 15% from 14/15, and down 5% from 13/14

BALANCE OPEN CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------|--------------|--------------|
| 13/14 | 1,481 | 1,374 | 1,198 | 986 | 1,177 | 1,300 | 1,469 | 1,536 | 1,557 | 1,788 | 1,830 | 1,922 | 1,468 | | |
| 14/15 | 2,250 | 2,176 | 2,048 | 1,984 | 1,834 | 1,823 | 1,782 | 1,542 | 1,198 | 1,237 | 1,318 | 1,480 | 1,723 | 117% | 255 |
| 15/16 | 1,534 | 1,639 | 1,737 | 1,694 | 1,715 | 1,672 | 1,605 | 1,636 | 1,924 | 1,791 | 1,638 | 1,549 | 1,678 | 97% | -45 |
| 16/17 | 1,475 | 1,520 | 1,614 | 1,609 | 1,593 | 1,417 | 1,232 | | | | | | 1,494 | 89% | -184 |

DI balance to date is down 10% from 15/16, down 25% from 14/15, and up 16% from 13/14
DI balance monthly average is down 11% from 15/16, down 13% from 14/15, and up 2% from 13/14

| | | | | |
|--------------|------|--------------|--|--|
| 15/16 | 89% | 90% | | |
| 14/15 | 87% | 75% | | |
| 13/14 | 102% | 116% | | |
| chg 2016 avg | | chg 2016 YTD | | |

UI FY TRENDS - FO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

NEW OPENED CASES

| FY | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------|--------------|--------------|--|
| 13/14 | 29,941 | 30,154 | 24,997 | 28,576 | 23,320 | 25,020 | 29,259 | 24,091 | 26,279 | 30,284 | 26,654 | 24,702 | 323,277 | 26,940 | | | |
| 14/15 | 24,330 | 22,177 | 21,805 | 21,462 | 16,062 | 19,991 | 17,415 | 16,163 | 19,647 | 21,674 | 18,055 | 19,418 | 238,199 | 19,850 | 74% | -7,090 | |
| 15/16 | 20,036 | 18,448 | 17,611 | 19,209 | 16,111 | 17,146 | 16,472 | 15,966 | 18,071 | 18,348 | 17,340 | 18,040 | 212,798 | 17,733 | 89% | -2,117 | |
| 16/17 | 16,201 | 18,807 | 16,775 | 16,025 | 15,343 | 15,199 | 16,461 | | | | | | 114,811 | 16,402 | 92% | -1,332 | |
| Multi | 11 3 | | | | | | | | | | | | | 15/16 | 92% | 92% | |
| UI registrations to date are down 8% from 15/16, down 20% from 14/15, and down 40% from 13/14 | | | | | | | | | | | | | 14/15 | 83% | 80% | | |
| UI registrations monthly average is down 8% from 15/16, down 17% from 14/15, and down 39% from 13/14 | | | | | | | | | | | | | 13/14 | 61% | 60% | | |
| | | | | | | | | | | | | | chg 2016 avg | | chg 2016 YTD | | |

CLOSED CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|---|--------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------------|--------------|--------------|
| 13/14 | 35,658 | 33,322 | 29,065 | 27,591 | 24,375 | 22,868 | 26,057 | 25,250 | 26,573 | 26,957 | 27,140 | 25,221 | 330,077 | 27,506 | | |
| 14/15 | 25,688 | 24,541 | 20,520 | 23,658 | 17,228 | 18,900 | 19,584 | 20,754 | 20,060 | 19,749 | 18,729 | 19,303 | 248,714 | 20,726 | 75% | -6,780 |
| 15/16 | 19,666 | 17,767 | 17,577 | 18,931 | 15,488 | 17,087 | 15,904 | 17,321 | 19,541 | 15,807 | 17,320 | 17,645 | 210,054 | 17,505 | 84% | -3,222 |
| 16/17 | 15,409 | 18,700 | 16,349 | 17,115 | 15,625 | 17,438 | 16,421 | | | | | | 117,057 | 16,722 | 96% | -782 |
| Multi | 2/4 4/10 2/5 | | | | | | | | | | | | 15/16 | 96% | 96% | |
| UI dispositions to date are down 4% from 15/16, down 22% from 14/15, and down 41% from 13/14 | | | | | | | | | | | | | 14/15 | 81% | 78% | |
| UI dispositions monthly average is down 4% from 15/16, down 19% from 14/15, and down 39% from 13/14 | | | | | | | | | | | | | 13/14 | 61% | 59% | |
| | | | | | | | | | | | | | chg 2016 avg | chg 2016 YTD | | |

BALANCE OPEN CASES

| | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | | Avg. | % Chg of Avg | Yr-Yr AvgChg | | | | | |
|-------|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---|--------|--------------|--------------|-----|--------------|------|------|--|
| 13/14 | 29,038 | 25,729 | 21,580 | 22,445 | 21,288 | 23,364 | 25,994 | 24,779 | 24,421 | 27,670 | 27,131 | 26,548 | | 24,999 | | | | | | | |
| 14/15 | 25,113 | 22,670 | 23,888 | 21,619 | 20,404 | 21,447 | 19,211 | 14,570 | 14,111 | 15,981 | 15,268 | 15,304 | | 19,132 | 77% | -5,867 | | | | | |
| 15/16 | 15,571 | 16,198 | 16,183 | 16,430 | 17,047 | 17,067 | 17,568 | 16,169 | 14,610 | 17,117 | 17,104 | 17,469 | | 16,544 | 86% | -2,588 | | | | | |
| 16/17 | 18,206 | 18,246 | 18,640 | 17,514 | 17,208 | 14,922 | 14,930 | | | | | | | 17,095 | 103% | 551 | | | | | |
| Multi | 15 | | | | | | | | | | | | 6 | 6 | 7 | 7 | | 15/16 | 103% | 103% | |
| | UI balance to date is up 3% from 15/16, down 22% from 14/15, and down 29% from 13/14 | | | | | | | | | | | | | | | 14/15 | 89% | 78% | | | |
| | UI balance monthly average is up 3% from 15/16, down 11% from 14/15, and down 32% from 13/14 | | | | | | | | | | | | | | | 13/14 | 68% | 71% | | | |
| | | | | | | | | | | | | | | | | chg 2016 avg | | chg 2016 YTD | | | |

AO REPORT TO BOARD -- MONTH OF JANUARY 2017

| | Dec Cases | Last Month | Cal Yr 2017 Avg | YEAR TOTAL 2015Avg | 2011 Avg |
|---------------|-----------|------------|-----------------|--------------------|----------|
| REGISTRATIONS | 886 | 1071 | | 886 | 1118 |
| DISPOSITIONS | 961 | 959 | | 961 | 1118 |
| OPEN BALANCE | 936 | 1016 | | 936 | 5814 |

CASE AGING (40days) 32.5

TIME LAPSE

45 Days (50%) 53.00%

75 Days (80%) 94.00%

150 Days (95%) 100.00%

OTHER INFORMATION

FO to AO Transfer Rate 2.18

FO ALLs working in AO 0

Appeal Rate FO to AO 4.70%

Retired Annuitants 0

**California Unemployment Insurance Appeals Board
Board Appeal Summary Report**

Average Days in Transfer from FO Received Date to Date Received at AO

| | January, 2017 Average Days in Transfer Case Count | December, 2016 Average Days in Transfer Case Count | November, 2016 Average Days in Transfer Case Count | October, 2016 Average Days in Transfer Case Count |
|--------------|---|--|--|---|
| Fr | 2.15 33 | 2.00 66 | 3.35 66 | 2.44 62 |
| Ing | 2.42 93 | 3.34 119 | 7.68 152 | 4.49 148 |
| Ini | 1.58 76 | 1.54 160 | 3.08 95 | 2.28 180 |
| LA | 1.94 48 | 3.01 105 | 3.43 122 | 1.67 67 |
| Oak | 2.20 35 | 2.61 49 | 5.87 75 | 6.29 68 |
| OC | 0.54 37 | 2.00 105 | 4.25 88 | 0.77 70 |
| Ox | 0.36 44 | 0.75 61 | 0.63 59 | 0.48 66 |
| Pas | 9.95 22 | 7.85 33 | 6.90 39 | 7.48 60 |
| Sac | 2.94 48 | 3.48 84 | 2.48 89 | 2.03 102 |
| SD | 2.59 22 | 2.18 49 | 2.99 87 | 3.34 83 |
| SF | 0.57 7 | 1.32 37 | 2.88 33 | 3.57 46 |
| SJ | 0.13 24 | 1.19 59 | 2.63 32 | 2.56 54 |
| Tax | | | 6.00 1 | 1.00 2 |
| Total | 2.14 489 | 2.43 927 | 4.14 938 | 3.06 1008 |

| APPELLATE OPERATIONS TL & Case Aging TRENDS | | | | | | | | | | | | | Avg. |
|---|-------|-------|--------|--------|--------|-------|-------|-------|-------|--------|-------|-------|-------|
| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | |
| Standard 45-Day | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% |
| Standard 75-Day | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 80% |
| Standard 150-Day | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% |
| Standard Case Age | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |
| 11/12 45-Day | 5.2% | 6.9% | 4.6% | 10.1% | 10.6% | 10.5% | 11.6% | 11.7% | 17.2% | 16.6% | 47.9% | 70.0% | 18.6% |
| 11/12 75-Day | 89.2% | 87.9% | 60.8% | 43.9% | 40.0% | 43.1% | 72.7% | 86.4% | 89.5% | 85.5% | 91.0% | 90.8% | 73.4% |
| 11/12 150-Day | 99.7% | 99.4% | 99.4% | 97.3% | 98.9% | 99.0% | 98.9% | 99.2% | 99.5% | 99.3% | 99.3% | 99.1% | 99.1% |
| Case Aging | 39 | 45 | 43 | 47 | 48 | 44 | 39 | 38 | 39 | 37 | 32 | 30 | 40 |
| 12/13 45-Day | 66.4% | 57.4% | 20.5% | 12.8% | 28.7% | 40.7% | 25.5% | 22.1% | 14.3% | 13.1% | 24.0% | 53.3% | 31.6% |
| 12/13 75-Day | 94.0% | 91.8% | 81.7% | 80.9% | 80.6% | 76.4% | 75.4% | 83.2% | 75.3% | 82.7% | 76.6% | 90.6% | 82.4% |
| 12/13 150-Day | 99.3% | 99.5% | 99.4% | 99.7% | 99.2% | 99.0% | 99.0% | 99.6% | 98.3% | 99.7% | 99.8% | 99.7% | 99.4% |
| Case Aging | 31 | 38 | 44 | 48 | 44 | 49 | 45 | 45 | 41 | 41 | 35 | 29.1 | 41 |
| 13/14 45-Day | 62.3% | 76.0% | 72.4% | 56.6% | 77.4% | 80.5% | 74.5% | 52.4% | 52.5% | 51.0% | 59.1% | 77.1% | 66.0% |
| 13/14 75-Day | 92.1% | 94.4% | 90.7% | 90.3% | 94.8% | 96.3% | 97.3% | 93.1% | 92.3% | 91.6% | 93.3% | 96.3% | 93.5% |
| 13/14 150-Day | 99.7% | 99.7% | 99.8% | 99.8% | 99.6% | 99.9% | 99.9% | 99.5% | 99.6% | 99.4% | 99.6% | 99.9% | 99.7% |
| Case Aging | 30.1 | 31.0 | 32.2 | 30.1 | 28.4 | 24.0 | 31.1 | 35.0 | 33.8 | 31.8 | 27.8 | 29.3 | 30.4 |
| 14/15 45-Day | 77.9% | 79.7% | 69.8% | 42.1% | 48.6% | 56.9% | 38.5% | 39.7% | 42.4% | 45.1% | 20.5% | 57.5% | 51.6% |
| 14/15 75-Day | 96.9% | 96.4% | 95.7% | 96.1% | 90.6% | 93.4% | 91.3% | 88.8% | 82.1% | 67.8% | 77.4% | 93.6% | 89.2% |
| 14/15 150-Day | 99.2% | 99.8% | 99.8% | 99.8% | 99.7% | 99.8% | 99.5% | 99.5% | 99.0% | 99.9% | 99.8% | 99.8% | 99.6% |
| Case Aging | 28.3 | 30.3 | 32.3 | 35.1 | 35.9 | 37.6 | 36.0 | 41.1 | 38.8 | 41.5 | 33.4 | 33.9 | 35.4 |
| 15/16 45-Day | 43.2% | 21.1% | 35.0% | 40.2% | 69.0% | 68.4% | 82.5% | 81.0% | 73.4% | 72.8% | 77.7% | 79.8% | 62.0% |
| 15/16 75-Day | 92.4% | 94.6% | 88.0% | 89.1% | 95.3% | 94.6% | 96.4% | 97.3% | 97.6% | 96.6% | 93.4% | 94.6% | 94.1% |
| 15/16 150-Day | 99.6% | 99.8% | 100.0% | 99.4% | 99.8% | 98.9% | 99.4% | 99.5% | 99.8% | 99.7% | 99.2% | 99.8% | 99.6% |
| Case Aging | 37.3 | 40.9 | 42.2 | 33.1 | 32.9 | 29.8 | 29.6 | 31.5 | 30.8 | 31.2 | 29.2 | 25.0 | 32.8 |
| 16/17 45-Day | 77.4% | 78.9% | 62.1% | 47.7% | 27.8% | 52.6% | 68.7% | 77.2% | 73.4% | 53.3% | | | 61.9% |
| 16/17 75-Day | 98.0% | 95.2% | 92.3% | 95.1% | 91.1% | 90.2% | 93.8% | 95.4% | 96.9% | 93.9% | | | 94.2% |
| 16/17 150-Day | 99.7% | 99.4% | 99.7% | 100.0% | 100.0% | 99.6% | 99.9% | 99.3% | 99.6% | 100.0% | | | 99.7% |
| Case Aging | 29.0 | 33.4 | 32.3 | 40.1 | 37.7 | 34.0 | 31.5 | 31.7 | 32.4 | 32.5 | | | 33.5 |
| 17/18 45-Day | | | | | | | | | | | | | |
| 17/18 75-Day | | | | | | | | | | | | | |
| 17/18 150-Day | | | | | | | | | | | | | |
| Case Aging | | | | | | | | | | | | | |

| APPELLATE | | 2017 | | | | | | | | | | | | AO | | Appellants | |
|----------------------|---------------|------|-----|-------|-------|-----|------|------|-----|-----|-----|-----|-----|---------|--------------------------|------------|-------------|
| | | Jan | Feb | March | April | May | June | July | Aug | Sep | Oct | Nov | Dec | Average | Current Mo. % of Avg. | TOTAL | Current Mo. |
| WORKLOAD | Registrations | | | | | | | | | | | | | | | | |
| | UI TL | 825 | | | | | | | | | | | | 825 | 100% | 825 | |
| | DI | 47 | | | | | | | | | | | | 47 | 100% | 47 | |
| | Ruling & T-R | 5 | | | | | | | | | | | | 5 | 100% | 5 | |
| | Tax | 8 | | | | | | | | | | | | 8 | 100% | 8 | |
| | Other | 1 | | | | | | | | | | | | 1 | 100% | 1 | |
| | Total | 886 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 886 | 100% | 886 | 549 |
| | Multi Cases | | | | | | | | | | | | | | | | |
| Dispositions | | | | | | | | | | | | | | | | | |
| | UI TL | 886 | | | | | | | | | | | | 886 | 100% | 886 | |
| | DI | 56 | | | | | | | | | | | | 56 | 100% | 56 | |
| | Ruling & T-R | 5 | | | | | | | | | | | | 5 | 100% | 5 | |
| | Tax | 13 | | | | | | | | | | | | 13 | 100% | 13 | |
| | Other | 1 | | | | | | | | | | | | 1 | 100% | 1 | |
| | Total | 961 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 961 | 100% | 961 | 617 |
| | Multi Case/Ct | | | | | | | | | | | | | | | | |
| Balance - Open Cases | | | | | | | | | | | | | | | | | |
| | UI TL | 797 | | | | | | | | | | | | 797 | 100% | | |
| | DI | 61 | | | | | | | | | | | | 61 | 100% | | |
| | Ruling & T-R | 18 | | | | | | | | | | | | 18 | 100% | | |
| | Tax | 59 | | | | | | | | | | | | 59 | 100% | | |
| | Other | 1 | | | | | | | | | | | | 1 | 100% | | |
| | Total | 936 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 936 | 100% | | 534 |
| | Multi Cases | | | | | | | | | | | | | | | | Estimate |
| FO to AO Appeal Rate | | | | | | | | | | | | | | | | | |
| | UI TL | 4.7% | | | | | | | | | | | | 4.7% | 1 | | |
| | DI | 4.6% | | | | | | | | | | | | 4.6% | 1 | | |
| | Ruling & T-R | 1.5% | | | | | | | | | | | | 1.5% | 1 | | |
| | Tax | 4.7% | | | | | | | | | | | | 4.7% | 1 | | |
| | Other | 5.9% | | | | | | | | | | | | 5.9% | 1 | | |
| | Overall Rate | 4.7% | | | | | | | | | | | | 4.7% | 1 | | |

ds

[illegible]

APPELLATE OPERATIONS ~ REPORT SUMMARY

SP

| APPELLATE | | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Average | AO Current Mo. % of Avg. | TOTAL | Appellants Current Mo. | | |
|----------------------|--|-------|-------|-------|-------|-------|-------|------|------|------|------|------|------|---------|--------------------------------|-------|---------------------------|----------|--|
| WORKLOAD | | | | | | | | | | | | | | | | | | | |
| Registrations | | | | | | | | | | | | | | | | | | | |
| UI TL | | 996 | 986 | 1,248 | 964 | 775 | 1,010 | 825 | | | | | | 972 | 85% | 6,804 | | | |
| DI | | 41 | 51 | 46 | 34 | 40 | 44 | 47 | | | | | | 43 | 109% | 303 | | | |
| Ruling & T-R | | 7 | 4 | 7 | 2 | 2 | 7 | 5 | | | | | | 5 | 103% | 34 | | | |
| Tax | | 15 | 15 | 17 | 10 | 7 | 9 | 8 | | | | | | 12 | 69% | 81 | | | |
| Other | | 0 | 3 | 0 | 0 | 0 | 1 | 1 | | | | | | 1 | 140% | 5 | | | |
| Total | | 1,059 | 1,059 | 1,318 | 1,010 | 824 | 1,071 | 886 | 0 | 0 | 0 | 0 | 0 | 1,032 | 86% | 7,227 | 549 | | |
| Multi Cases | | | | | | | | | | | | | | | | | | | |
| Dispositions | | | | | | | | | | | | | | | | | | | |
| UI TL | | 923 | 1,325 | 1,219 | 1,243 | 1,035 | 924 | 886 | | | | | | 1,079 | 82% | 7,555 | | | |
| DI | | 31 | 65 | 35 | 25 | 56 | 29 | 56 | | | | | | 42 | 132% | 297 | | | |
| Ruling & T-R | | 4 | 5 | 2 | 1 | 4 | 1 | 5 | | | | | | 3 | 159% | 22 | | | |
| Tax | | 7 | 3 | 4 | 5 | 9 | 5 | 13 | | | | | | 7 | 198% | 46 | | | |
| Other | | 0 | 3 | 1 | 0 | 0 | 0 | 1 | | | | | | 1 | 140% | 5 | | | |
| Total | | 965 | 1,401 | 1,261 | 1,274 | 1,104 | 959 | 961 | 0 | 0 | 0 | 0 | 0 | 1,132 | 85% | 7,925 | 617 | | |
| Multi Case/Ct | | | | | | | | | | | | | | | | | | | |
| Balance - Open Cases | | | | | | | | | | | | | | | | | | | |
| UI TL | | 1,631 | 1,291 | 1,317 | 1,033 | 773 | 862 | 797 | | | | | | 1,101 | 72% | | | | |
| DI | | 65 | 51 | 62 | 71 | 55 | 70 | 61 | | | | | | 62 | 98% | | | | |
| Ruling & T-R | | 9 | 8 | 13 | 14 | 12 | 19 | 18 | | | | | | 13 | 135% | | | | |
| Tax | | 32 | 44 | 57 | 63 | 60 | 64 | 59 | | | | | | 54 | 109% | | | | |
| Other | | 1 | 1 | 0 | 0 | 0 | 1 | 1 | | | | | | 1 | 175% | | | | |
| Total | | 1,738 | 1,395 | 1,449 | 1,181 | 900 | 1,016 | 936 | 0 | 0 | 0 | 0 | 0 | 1,231 | 76% | | 534 | Estimate | |
| Multi Cases | | | | | | | | | | | | | | | | | | | |
| FO to AO Appeal Rate | | | | | | | | | | | | | | | | | | | |
| UI TL | | 5.6% | 6.4% | 6.7% | 5.9% | 4.5% | 6.5% | 4.7% | | | | | | 5.8% | 82% | | | | |
| DI | | 3.9% | 5.9% | 4.8% | 4.3% | 4.7% | 5.0% | 4.6% | | | | | | 4.7% | 96% | | | | |
| Ruling & T-R | | 2.4% | 1.4% | 2.2% | 1.1% | 1.0% | 2.0% | 1.5% | | | | | | 1.7% | 92% | | | | |
| Tax | | 5.3% | 2.9% | 6.4% | 5.6% | 4.3% | 6.5% | 4.7% | | | | | | 5.1% | 91% | | | | |
| Other | | 0.0% | 23.1% | 0.0% | 0.0% | 0.0% | 14.3% | 5.9% | | | | | | 6.2% | 95% | | | | |
| Overall Rate | | 5.5% | 6.2% | 6.5% | 5.8% | 4.5% | 6.3% | 4.7% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 3.3% | 142% | | | | |

APPELLATE OPERATIONS - REPORT SUMMARY

SP

| APPELLATE | | 2013-2014 | | | | | | | | | | | | AO | | | | |
|----------------------|----------------------|-----------|-------|-------|-------|-------|-------|------|------|------|------|------|-----|---------|--------------------------|--------|--|--|
| | | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Average | Current Mo. % of Avg. | | | |
| TIME LAPSE | | | | | | | | | | | | | | | | | | |
| | 45 Day-50 % | 48 | 28 | 53 | 69 | 77 | 73 | 53 | | | | | | 57 | 93% | | | |
| | 75 Day- 80 % | 95 | 91 | 90 | 94 | 95 | 97 | 94 | | | | | | 94 | 100% | | | |
| | 150 Day- 95 % | 100 | 100 | 100 | 100 | 99 | 100 | 100 | | | | | | 100 | 100% | | | |
| | | | | | | | | | | | | | | | | | | |
| CASE AGE | | | | | | | | | | | | | | | | | | |
| Avg Days-UI (mean) | | 40.1 | 37.7 | 34.0 | 31.5 | 31.7 | 32.4 | 32.5 | | | | | | 34.3 | 95% | | | |
| Avg Days-UI (median) | | 38.0 | 34.0 | 32.0 | 28.0 | 30.0 | 29.0 | 28.0 | | | | | | 31.3 | 89% | | | |
| | | | | | | | | | | | | | | 40 | 0% | | | |
| Over 120 days old | | | | | | | | | | | | | | | | | | |
| | UI Cases | 3 | 3 | 1 | 1 | 4 | 0 | 0 | | | | | | 2 | | | | |
| | UI % | 0% | 0% | 0% | 0% | 0% | 0% | 0% | | | | | | 0% | | | | |
| | UI % w/out Multis | 0% | 0% | 0% | 0% | 0% | 0% | 0% | | | | | | 0% | | | | |
| NET PYS USED | | | | | | | | | | | | | | | | | | |
| | ALJ | 7.49 | 8.54 | 9.14 | 8.38 | 7.02 | 7.23 | | | | | | | 8.0 | 91% | | | |
| | AO Non ALJ | 19.11 | 20.05 | 19.11 | 20.19 | 17.10 | 17.72 | | | | | | | 18.9 | 94% | | | |
| | CTU Non ALJ | 1.90 | 1.40 | 1.50 | 1.98 | 1.54 | 1.35 | | | | | | | 1.6 | 84% | | | |
| | Net Pys | 28.50 | 29.99 | 29.75 | 30.55 | 25.66 | 26.30 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | 28.5 | 92% | | | |
| | | | | | | | | | | | | | | | | | | |
| RATIOS | | | | | | | | | | | | | | | | | | |
| | AO w/o transcribers | 2.55 | 2.35 | 2.09 | 2.41 | 2.44 | 2.45 | | | | | | | 2.37 | 103% | | | |
| | AO with transcribers | 2.81 | 2.51 | 2.25 | 2.65 | 2.66 | 2.64 | | | | | | | 2.57 | 103% | | | |
| | | | | | | | | | | | | | | | | | | |
| TRANSCRIPTS | | | | | | | | | | | | | | | | | | |
| | PAGES | 26 | 28 | 26 | 32 | 27 | 22 | 27 | | | | | | 27 | 101% | 188 | | |
| | AVG PGS Per T/S | 78 | 66 | 71 | 57 | 84 | 66 | 60 | | | | | | 1,841 | 88% | 12,886 | | |
| | | | | | | | | | | | | | | | | | | |
| PRODUCTIVITY | | | | | | | | | | | | | | | | | | |
| | ALJ Disp/wk | 29.3 | 37.3 | 36.3 | 33.0 | 43.7 | 31.6 | | | | | | | 29.3 | 108% | | | |
| | Trans Pgs/day | 48.52 | 60.42 | 65.16 | 39.99 | 81.46 | 51.11 | | | | | | | 48.5 | 1.05 | | | |

ALL PROGRAM TRENDS-AO

REGISTRATIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-----------------|-----------------|
| 2014 | 1,681 | 1,666 | 1,620 | 1,959 | 1,623 | 1,812 | 1,847 | 1,729 | 1,636 | 1,873 | 1,298 | 1,417 | 20,161 | 1,680 | | |
| 2015 | 1,095 | 1,288 | 1,605 | 1,608 | 1,470 | 1,116 | 1,642 | 1,586 | 1,088 | 1,114 | 1,156 | 1,206 | 15,974 | 1,331 | 79% | -349 |
| 2016 | 989 | 1,003 | 1,345 | 1,260 | 1,018 | 1,397 | 1,059 | 1,059 | 1,318 | 1,010 | 824 | 1,071 | 13,353 | 1,113 | 84% | -218 |
| 2017 | 886 | | | | | | | | | | | | 886 | 886 | 80% | -227 |

Registrations Jan to date down 10% from 2016, down 19% from 2015, and down 47% from 2014

Registration monthly average down 20% from 2016, down 33% from 2015, and down 47% from 2014

| | | |
|------|-----|-----|
| 2016 | 80% | 90% |
| 2015 | 67% | 81% |
| 2014 | 53% | 53% |

chg to '14 avg

chg to '14 YTD

DISPOSITIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-----------------|-----------------|
| 2014 | 1,517 | 1,549 | 1,743 | 1,877 | 1,661 | 1,634 | 1,583 | 1,813 | 1,925 | 1,568 | 1,438 | 1,637 | 19,945 | 1,662 | | |
| 2015 | 1,415 | 1,377 | 1,269 | 1,346 | 1,320 | 1,798 | 1,888 | 1,597 | 1,432 | 1,242 | 947 | 1,413 | 17,044 | 1,420 | 85% | -242 |
| 2016 | 1,217 | 842 | 1,359 | 958 | 1,273 | 732 | 965 | 1,401 | 1,261 | 1,274 | 1,104 | 959 | 13,345 | 1,112 | 78% | -308 |
| 2017 | 961 | | | | | | | | | | | | 961 | 961 | 86% | -151 |

Dispositions Jan to date are down 21% from 2016, down 38% from 2015, and down 37% from 2014

Disposition monthly average down 14% from 2016, down 32% from 2015, and down 42% from 2014

| | | |
|------|-----|-----|
| 2016 | 86% | 79% |
| 2015 | 68% | 62% |
| 2014 | 58% | 63% |

chg to '14 avg

chg to '14 YTD

BALANCE OPEN CASES

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | End of Yr Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------------|-------|-----------------|-----------------|
| 2014 | 2,057 | 2,452 | 1,910 | 2,509 | 2,625 | 2,671 | 2,484 | 1,804 | 2,049 | 2,575 | 2,562 | 1,970 | 1,970 | 2,306 | | |
| 2015 | 1,783 | 1,690 | 2,028 | 2,290 | 2,436 | 1,752 | 1,499 | 1,483 | 1,137 | 1,006 | 1,222 | 998 | 998 | 1,610 | 70% | -695 |
| 2016 | 771 | 929 | 902 | 1,243 | 982 | 1,645 | 1,738 | 1,395 | 1,449 | 1,181 | 900 | 1,016 | 1,016 | 1,179 | 73% | -431 |
| 2017 | 936 | | | | | | | | | | | | | 936 | 79% | -243 |

Open Balance Jan to date is up 21% from 2016, down 48% from 2015, and down 54% from 2014

Open Balance monthly average down 21% from 2016, down 42% from 2015, and down 59% from 2014

| | | |
|------|-----|------|
| 2016 | 79% | 121% |
| 2015 | 58% | 52% |
| 2014 | 41% | 46% |

chg to '14 avg

chg to '14 YTD

OTHER TRENDS-AO

Program Codes 9,13, 14, 19, 21,22, 40, 44

REGISTRATIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|--------------|--------------|
| 2014 | 2 | 2 | 8 | 7 | 2 | 4 | 2 | 9 | 4 | 4 | 1 | 5 | 50 | 4 | | |
| 2015 | 6 | 1 | 5 | 13 | 14 | 8 | 1 | 10 | 7 | 2 | 2 | 6 | 75 | 6 | 150% | 2 |
| 2016 | 2 | 2 | 1 | 1 | 4 | 4 | 7 | 7 | 7 | 2 | 2 | 8 | 47 | 4 | 63% | -2 |
| 2017 | 6 | | | | | | | | | | | | 6 | 6 | 153% | 2 |

Other registrations Jan to date are up 200% from 2016 and equal to 2015, and up 200% from 2014
Other registration monthly average up 53% from 2016, down 4% from 2015, and up 44% from 2014

| | | |
|------|------|------|
| 2106 | 153% | 300% |
| 2015 | 96% | 100% |
| 2014 | 144% | 300% |

chg to '14 avg

chg to '14 YTD

DISPOSITIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|--------------|--------------|
| 2014 | 7 | 2 | 4 | 3 | 4 | 8 | 6 | 1 | 4 | 5 | 5 | 5 | 54 | 5 | | |
| 2015 | 3 | 5 | 4 | 4 | 5 | 10 | 19 | 5 | 9 | 5 | 2 | 9 | 80 | 7 | 148% | 2 |
| 2016 | 1 | 1 | 3 | 1 | 1 | 2 | 4 | 8 | 3 | 1 | 4 | 1 | 30 | 3 | 38% | -4 |
| 2017 | 6 | | | | | | | | | | | | 6 | 6 | 240% | 4 |

Other dispositions Jan to date are up 500% from 2016, up 100% from 2015, and down 14% from 2014
Other disposition monthly average up 140% from 2016, down 10% from 2015, and up 33% from 2014

| | | |
|------|------|------|
| 2106 | 240% | 600% |
| 2015 | 90% | 200% |
| 2014 | 133% | 86% |

chg to '14 avg

chg to '14 YTD

BALANCE OPEN CASES

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | End of yr Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-----------------|------|--------------|--------------|
| 2014 | 1 | 1 | 9 | 13 | 11 | 7 | 3 | 11 | 11 | 10 | 6 | 7 | 7 | 8 | | |
| 2015 | 10 | 6 | 7 | 15 | 24 | 22 | 4 | 9 | 8 | 5 | 5 | 2 | 2 | 10 | 130% | 2 |
| 2016 | 3 | 4 | 2 | 2 | 5 | 7 | 10 | 9 | 13 | 14 | 12 | 20 | 20 | 8 | 86% | -1 |
| 2017 | 19 | | | | | | | | | | | | | 19 | 226% | 11 |

Other balance of open cases is up 533% from 2016, down 90% from 2015, and up 1800% from 2014
Other balance monthly average up 126% from 2016, up 95% from 2015, and up 153% from 2014

| | | |
|------|------|-------|
| 2106 | 226% | 633% |
| 2015 | 195% | 190% |
| 2014 | 253% | 1900% |

chg to '14 avg

chg to '14 YTD

TAX TRENDS-AO
Program Codes 15, 17, 18, 32, 45, 46, 47, 48

REGISTRATIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|-----------------|-----------------|
| 2014 | 24 | 11 | 18 | 9 | 1 | 8 | 0 | 5 | 10 | 5 | 11 | 9 | 111 | 9 | | |
| 2015 | 3 | 8 | 9 | 5 | 6 | 1 | 6 | 5 | 10 | 5 | 2 | 4 | 64 | 5 | 58% | -4 |
| 2016 | 9 | 1 | 6 | 4 | 8 | 11 | 15 | 15 | 17 | 10 | 7 | 9 | 112 | 9 | 175% | 4 |
| 2017 | 8 | | | | | | | | | | | | 8 | 8 | 86% | -1 |

Tax registrations Jan to date are down 11% from 2016, up 167% from 2015, and down 67% from 2014
Tax registration monthly average is down 14% from 2016, up 50% from 2015, and down 14% from 2014

| | | |
|------|------|------|
| 2016 | 86% | 89% |
| 2015 | 150% | 267% |
| 2014 | 86% | 33% |

chg to '14 avg

chg to '14 YTD

DISPOSITIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|-----------------|-----------------|
| 2014 | 8 | 16 | 12 | 7 | 13 | 32 | 6 | 10 | 0 | 5 | 7 | 5 | 121 | 10 | | |
| 2015 | 5 | 13 | 0 | 12 | 10 | 3 | 7 | 9 | 4 | 11 | 4 | 4 | 82 | 7 | 68% | -3 |
| 2016 | 8 | 11 | 6 | 1 | 3 | 5 | 7 | 3 | 4 | 5 | 9 | 5 | 67 | 6 | 82% | -1 |
| 2017 | 13 | | | | | | | | | | | | 13 | 13 | 233% | 7 |

Tax dispositions Jan to date are up 63% from 2016, up 160% from 2015 and up 63% from 2014
Tax disposition monthly average is up 133% from 2016, up 90% from 2015, and up 29% from 2014

| | | |
|------|------|------|
| 2016 | 233% | 163% |
| 2015 | 190% | 260% |
| 2014 | 129% | 163% |

chg to '14 avg

chg to '14 YTD

BALANCE OPEN CASES

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | End of yr Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|--------------------|------|-----------------|-----------------|
| 2014 | 74 | 63 | 69 | 71 | 59 | 35 | 22 | 18 | 28 | 27 | 31 | 35 | 35 | 44 | | |
| 2015 | 33 | 28 | 37 | 30 | 26 | 25 | 24 | 20 | 26 | 20 | 19 | 19 | 19 | 26 | 58% | -19 |
| 2016 | 19 | 9 | 9 | 12 | 17 | 23 | 32 | 44 | 57 | 63 | 60 | 64 | 64 | 34 | 133% | 9 |
| 2017 | 59 | | | | | | | | | | | | | 59 | 173% | 25 |

Tax balance of open cases Jan to date is up 211% from 2016, up 79% from 2015, and down 20% from 2014
Tax balance monthly average is up 73% from 2016, up 131% from 2015, and up 33% from 2014

| | | |
|------|------|------|
| 2016 | 173% | 311% |
| 2015 | 231% | 179% |
| 2014 | 133% | 80% |

chg to '14 avg

chg to '14 YTD

DI TRENDS-AO
Program Codes 7, 10, 11, 12, 16 & 20

REGISTRATIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|-----------------|-----------------|
| 2014 | 35 | 45 | 36 | 60 | 48 | 57 | 55 | 39 | 59 | 69 | 52 | 71 | 626 | 52 | | |
| 2015 | 59 | 54 | 57 | 72 | 56 | 51 | 52 | 91 | 72 | 37 | 38 | 54 | 693 | 58 | 111% | 6 |
| 2016 | 41 | 33 | 60 | 44 | 46 | 60 | 41 | 51 | 46 | 34 | 40 | 44 | 540 | 45 | 78% | -13 |
| 2017 | 47 | | | | | | | | | | | | 47 | 47 | 104% | 2 |

DI registrations Jan to date up 15% from 2016, down 20% from 2015, up 34% from 2014.

DI registration monthly average up 4% from 2015, down 19% from 2015, and down 10% from 2014.

| | | |
|------|------|------|
| 2016 | 104% | 115% |
| 2015 | 81% | 80% |
| 2014 | 90% | 134% |

chg to '14 avg

chg to '14 YTD

DISPOSITIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|------|-----------------|-----------------|
| 2014 | 59 | 37 | 38 | 50 | 45 | 46 | 45 | 50 | 50 | 55 | 45 | 56 | 576 | 48 | | |
| 2015 | 59 | 74 | 53 | 59 | 74 | 52 | 80 | 56 | 101 | 87 | 34 | 55 | 784 | 65 | 136% | 17 |
| 2016 | 39 | 31 | 61 | 37 | 48 | 47 | 31 | 65 | 35 | 25 | 56 | 29 | 504 | 42 | 64% | -23 |
| 2017 | 56 | | | | | | | | | | | | 56 | 56 | 133% | 14 |

DI dispositions Jan to date up 44% from 2016, down 5% from 2015, down 5% from 2014.

DI disposition monthly average up 33% from 2016, down 14% from 2015, and up 17% from 2014.

| | | |
|------|------|------|
| 2016 | 133% | 144% |
| 2015 | 86% | 95% |
| 2014 | 117% | 95% |

chg to '14 avg

chg to '14 YTD

BALANCE OPEN CASES

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | End of yr Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|--------------------|------|-----------------|-----------------|
| 2014 | 52 | 61 | 60 | 68 | 71 | 82 | 92 | 81 | 91 | 106 | 112 | 127 | 127 | 84 | | |
| 2015 | 127 | 107 | 111 | 125 | 109 | 106 | 77 | 112 | 82 | 32 | 37 | 34 | 34 | 88 | 106% | 5 |
| 2016 | 36 | 38 | 38 | 44 | 43 | 55 | 65 | 51 | 62 | 71 | 55 | 70 | 70 | 52 | 59% | -36 |
| 2017 | 61 | | | | | | | | | | | | | 61 | 117% | 9 |

Open Balance of DI Jan to date up 69% from 2016, down 52% from 2015, and up 17% from 2014.

Open Balance monthly average up 17% from 2016, down 31% from 2015, and down 27% from 2014.

| | | |
|------|------|------|
| 2016 | 117% | 169% |
| 2015 | 69% | 48% |
| 2014 | 73% | 117% |

chg to '14 avg

chg to '14 YTD

UI TRENDS-AO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

REGISTRATIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-----------------|-----------------|
| 2014 | 1,620 | 1,608 | 1,558 | 1,883 | 1,572 | 1,743 | 1,790 | 1,676 | 1,563 | 1,795 | 1,234 | 1,332 | 19,374 | 1,615 | | |
| 2015 | 1,027 | 1,225 | 1,534 | 1,518 | 1,394 | 1,056 | 1,583 | 1,480 | 999 | 1,070 | 1,114 | 1,142 | 15,142 | 1,262 | 78% | -353 |
| 2016 | 937 | 967 | 1,345 | 1,211 | 960 | 1,322 | 996 | 986 | 1,248 | 964 | 775 | 1,010 | 12,721 | 1,060 | 84% | -202 |
| 2017 | 825 | | | | | | | | | | | | 825 | 825 | 78% | -235 |

UI registrations Jan to date are down 12% from 2016, down 20% from 2015, and down 49% from 2014

UI registration monthly average is down 22% from 2016, down 35% from 2015, and down 49% from 2014

DISPOSITIONS

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-----------------|-----------------|
| 2014 | 1,443 | 1,490 | 1,689 | 1,817 | 1,599 | 1,548 | 1,518 | 1,752 | 1,871 | 1,503 | 1,381 | 1,571 | 19,182 | 1,599 | | |
| 2015 | 1,348 | 1,285 | 1,212 | 1,271 | 1,231 | 1,733 | 1,782 | 1,527 | 1,318 | 1,139 | 907 | 1,345 | 16,098 | 1,342 | 84% | -257 |
| 2016 | 1,168 | 799 | 1,359 | 919 | 1,221 | 678 | 923 | 1,325 | 1,219 | 1,243 | 1,035 | 924 | 12,813 | 1,068 | 80% | -274 |
| 2017 | 886 | | | | | | | | | | | | 886 | 886 | 83% | -182 |

UI dispositions Jan to date are down 24% from 2016, down 34% from 2015, and down 39% from 2014

UI disposition monthly average is down 17% from 2016, down 34% from 2015, and down 45% from 2014

BALANCE OPEN CASES

| | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | End of yr Total | Avg. | % Chg of Avg | Yr-Yr AvgChg |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------------|-------|-----------------|-----------------|
| 2014 | 1,994 | 2,106 | 1,936 | 1,986 | 1,979 | 2,166 | 2,432 | 2,349 | 2,047 | 2,340 | 2,181 | 1,937 | 1,937 | 2,121 | | |
| 2015 | 1,613 | 1,549 | 1,873 | 2,120 | 2,277 | 1,599 | 1,394 | 1,342 | 1,021 | 949 | 1,161 | 1,161 | 1,161 | 1,505 | 71% | -616 |
| 2016 | 713 | 878 | 902 | 1,185 | 917 | 1,560 | 1,631 | 1,291 | 1,317 | 1,033 | 773 | 862 | 862 | 1,089 | 72% | -416 |
| 2017 | 797 | | | | | | | | | | | | 797 | 797 | 73% | -292 |

UI balance of open cases Jan to date are up 12% from 2016, down 51% from 2015, and down 60% from 2014

UI balance monthly average is down 27% from 2016, down 47% from 2015, and down 62% from 2014

| | | |
|------|-----|------|
| 2016 | 73% | 112% |
| 2015 | 53% | 49% |
| 2014 | 38% | 40% |

chg to '14 avg

chg to '14 YTD

Monthly Board Meeting Litigation Report - January 2017

AGENDA ITEM 9

| | | |
|--|--------------------|----|
| <u>LITIGATION CASES PENDING</u> | TOTAL = 103 | |
| SUPERIOR COURT: Claimant Petitions..... | | 69 |
| Employer Petitions..... | | 13 |
| EDD Petitions..... | | 0 |
| Non-benefit Court Cases | | 6 |
| APPELLATE COURT: Claimant Appeals..... | | 12 |
| Employer Appeals..... | | 2 |
| EDD Appeals..... | | 0 |
| Non-benefit Court Cases | | 0 |
| ISSUES: UI..... | | 82 |
| DI..... | | 11 |
| Tax..... | | 3 |
| Non-benefit Court Cases | | 7 |

2017 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

| | | |
|--|-------------------|-----------------------|
| <u>LITIGATION CASES FILED</u> | <u>YTD</u> | <u>January</u> |
| SUPERIOR COURT: Claimant Petitions..... | 4 | 4 |
| Employer Petitions..... | 2 | 2 |
| EDD Petitions..... | 0 | 0 |
| APPELLATE COURT: Claimant Appeals..... | 0 | 0 |
| Employer Appeals..... | 0 | 0 |
| EDD Appeals..... | 0 | 0 |
| <u>LITIGATION CASES CLOSED</u> | <u>YTD</u> | <u>January</u> |
| SUPERIOR COURT: Claimant Petitions..... | 5 | 5 |
| Employer Petitions..... | 0 | 0 |
| EDD Petitions..... | 0 | 0 |
| APPELLATE COURT: Claimant Appeals..... | 2 | 2 |
| Employer Appeals..... | 0 | 0 |
| EDD Appeals..... | 0 | 0 |

2017 Decision Summary

| | | | | | | |
|--------------------------------|---------|--------------------------------|---------|-------------------------------|-------------|-------------|
| <u>Claimant Appeals</u> | | <u>Employer Appeals</u> | | <u>CUIAB Decisions</u> | | |
| Win: 0 | Loss: 7 | Win: 0 | Loss: 0 | Affirmed: 7 | Reversed: 0 | Remanded: 0 |

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

JANUARY 2017 PERFORMANCE INDICATORS

FIELD OPERATIONS

MEETING DOL STANDARDS

UI TIMELAPSE CASES

| | <u>Closed</u> | DOL <u>Standard</u> |
|------------------------|------------------|------------------------|
| Closed Cases | | |
| % Closed in <= 30 Days | 58.2% | ≥60% |
| % Closed in <= 45 Days | 80.5% | ≥80% |
| Pending Cases | <u>Avg. Days</u> | DOL <u>Standard</u> |
| Case Aging | 26.3 | ≤30 |

WORKLOAD

| | <u>UI</u> | <u>ALL</u> |
|-----------------------|-----------|------------|
| Opened | 16,461 | 17,978 |
| Closed | 16,421 | 18,296 |
| Balance of Open Cases | 14,930 | 25,526 |

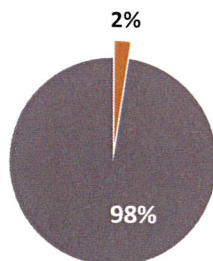
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

| | <u>Days</u> |
|----------------------------|-------------|
| UI Timelapse Appeals | 40 |
| DI Appeals (including PFL) | 76 |
| All Programs | 60 |

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

| | |
|-----------------------------------|-------|
| Regular UI Appeals as % of All UI | 97.5% |
| UI Extensions as % of All UI | 2.5% |

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 2% of UI Open Balance, and Regular UI cases made up 98%.

APPELLATE OPERATIONS

MEETING DOL GUIDELINES & STANDARDS

UI TIMELAPSE CASES

| | <u>Closed</u> | DOL <u>Guideline</u> |
|------------------------|------------------|-------------------------|
| Closed Cases | | |
| % Closed in <= 45 Days | 53.3% | ≥50% |
| % Closed in <= 75 Days | 93.9% | ≥80% |
| Pending Cases | <u>Avg. Days</u> | DOL <u>Standard</u> |
| Case Aging | 32.5 | ≤40 |

WORKLOAD

| | <u>UI</u> | <u>ALL</u> |
|-----------------------|-----------|------------|
| Opened | 825 | 886 |
| Closed | 886 | 961 |
| Balance of Open Cases | 797 | 936 |

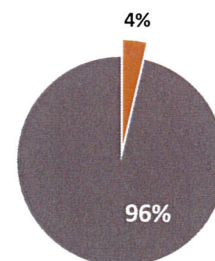
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

| | <u>Days</u> |
|----------------------------|-------------|
| UI Timelapse Appeals | 50 |
| DI Appeals (including PFL) | 97 |
| All Programs | 54 |

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

| | |
|-----------------------------------|-----|
| Regular UI Appeals as % of All UI | 96% |
| UI Extensions as % of All UI | 4% |

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 4% of UI Open Balance, and Regular UI cases made up 96%.

California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in January 2017

| PFL CASES | OVERALL Average Days to Process an Appeal | By Step in Process | | | |
|---------------------|--|--|--|---|---|
| | | Case Creation Date to Verified Date | Verified Date to Scheduled Date | Scheduled Date to Hearing Date | Hearing Date to Decision Mailed Date |
| Jurisdiction | Average | Average | Average | Average | Average |
| Fresno | 84 | 7 | 34 | 14 | 2 |
| Inglewood | 55 | 7 | 1 | 12 | 7 |
| Inland | 74 | 6 | 15 | 18 | 8 |
| Los Angeles | 78 | 5 | 48 | 13 | 10 |
| Oakland | 63 | 12 | 4 | 13 | Not available |
| Orange County | 71 | 10 | 38 | 14 | 1 |
| Oxnard | 53 | 8 | 7 | 13 | 1 |
| Pasadena | 68 | 5 | 22 | 10 | 1 |
| Sacramento | 63 | 4 | 6 | 14 | 3 |
| San Diego | 74 | 6 | 25 | 14 | 5 |
| San Francisco | 76 | 5 | 12 | 20 | 6 |
| San Jose | 64 | 5 | 32 | 14 | 1 |
| Statewide | 69 | 6 | 20 | 14 | 4 |

| DI CASES (No PFL) | OVERALL Average Days to Process an Appeal | By Step in Process | | | |
|------------------------------|--|--|--|---|---|
| | | Case Creation Date to Verified Date | Verified Date to Scheduled Date | Scheduled Date to Hearing Date | Hearing Date to Decision Mailed Date |
| Jurisdiction | Average | Average | Average | Average | Average |
| Fresno | 80 | 8 | 39 | 13 | 7 |
| Inglewood | 56 | 17 | 7 | 12 | 7 |
| Inland | 69 | 7 | 24 | 16 | 10 |
| Los Angeles | 85 | 9 | 44 | 15 | 6 |
| Oakland | 68 | 10 | 16 | 15 | 8 |
| Orange County | 94 | 12 | 43 | 16 | 10 |
| Oxnard | 71 | 9 | 24 | 15 | 3 |
| Pasadena | 66 | 9 | 18 | 12 | 7 |
| Sacramento | 148 | 5 | 28 | 41 | 7 |
| San Diego | 63 | 7 | 20 | 15 | 4 |
| San Francisco | 66 | 6 | 28 | 14 | 6 |
| San Jose | 88 | 7 | 31 | 16 | 3 |
| Statewide | 77 | 9 | 28 | 15 | 7 |

California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in January 2017

| UI Timelapse CASES | OVERALL Average Days to Process an Appeal | By Step in Process | | | |
|-------------------------------|--|--|--|---|---|
| | | Case Creation Date to Verified Date | Verified Date to Scheduled Date | Scheduled Date to Hearing Date | Hearing Date to Decision Mailed Date |
| Jurisdiction | Average | Average | Average | Average | Average |
| Fresno | 34 | 3 | 11 | 14 | 2 |
| Inglewood | 37 | 6 | 10 | 13 | 3 |
| Inland | 36 | 4 | 6 | 16 | 3 |
| Los Angeles | 39 | 3 | 11 | 15 | 3 |
| Oakland | 46 | 7 | 18 | 14 | 2 |
| Orange County | 43 | 5 | 13 | 16 | 2 |
| Oxnard | 40 | 3 | 13 | 15 | 1 |
| Pasadena | 38 | 3 | 13 | 12 | 3 |
| Sacramento | 40 | 3 | 14 | 16 | 2 |
| San Diego | 41 | 4 | 15 | 15 | 2 |
| San Francisco | 53 | 3 | 29 | 13 | 3 |
| San Jose | 36 | 3 | 11 | 16 | 1 |
| Statewide | 40 | 4 | 13 | 15 | 2 |

| ALL CASES | OVERALL Average Days to Process an Appeal | By Step in Process | | | |
|---------------------|--|--|--|---|---|
| | | Case Creation Date to Verified Date | Verified Date to Scheduled Date | Scheduled Date to Hearing Date | Hearing Date to Decision Mailed Date |
| Jurisdiction | Average | Average | Average | Average | Average |
| Fresno | 37 | 4 | 13 | 14 | 2 |
| Inglewood | 79 | 8 | 22 | 15 | 4 |
| Inland | 64 | 4 | 24 | 17 | 4 |
| Los Angeles | 47 | 4 | 17 | 16 | 4 |
| Oakland | 86 | 8 | 34 | 22 | 2 |
| Orange County | 58 | 6 | 17 | 18 | 3 |
| Oxnard | 54 | 4 | 17 | 18 | 2 |
| Pasadena | 41 | 3 | 13 | 13 | 3 |
| Sacramento | 46 | 3 | 19 | 16 | 2 |
| San Diego | 50 | 4 | 15 | 16 | 2 |
| San Francisco | 54 | 3 | 29 | 14 | 3 |
| San Jose | 44 | 3 | 18 | 16 | 1 |
| Tax Office | 414 | N/A | N/A | 273 | 294 |
| Statewide | 60 | 5 | 20 | 16 | 3 |

July 2016 through December 2016

| 16/17 Fiscal Year-to-Date Overtime Expenditure | | | | | | | | |
|--|--------------------------|-------------|---------------------|--------|-----------------------|--------|----------------|-------------|
| Branch | FY Y-T-D Decision Typing | | FY Y-T-D CTU Typing | | FY Y-T-D Registration | | FY Y-T-D Other | |
| | Hours | Pay | Hours | Pay | Hours | Pay | Hours | Pay |
| Appellate | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| Admin | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| IT | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 | 362.00 | \$18,046.23 |
| Exec | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| Field | 322.75 | \$11,572.50 | 0.00 | \$0.00 | 0.00 | \$0.00 | 0.50 | \$331.95 |
| Total | 322.75 | \$11,572.50 | 0.00 | \$0.00 | 0.00 | \$0.00 | 362.50 | \$18,378.18 |

| 16/17 Fiscal Year-to-Date Total Overtime Expenditures | | | | | CTO Expenditures | | FY 16/17 FY Projections | |
|---|---------------------|--------------------|----------------------------------|------------------|--------------------|--------|-------------------------|------------------------------------|
| Branch | 16/17 FY Allocation | Year-to-Date Hours | Year-to-Date Position Equivalent | Year-to-Date Pay | Allocation Balance | Hours | Estimated Pay | Estimated Expenditures Over-/Under |
| Appellate | \$0.00 | 0.00 | 0.00 | \$0.00 | \$0.00 | 0.00 | \$0.00 | \$0.00 |
| Admin | \$687.00 | 0.00 | 0.00 | \$0.00 | \$687.00 | 23.25 | \$1,153.07 | -\$1,619.14 |
| IT | \$40,773.00 | 362.00 | 0.35 | \$18,046.23 | \$22,726.77 | 96.50 | \$5,531.66 | -\$6,382.78 |
| Exec | \$0.00 | 0.00 | 0.00 | \$0.00 | \$0.00 | 0.00 | \$0.00 | \$0.00 |
| Field Operations | \$0.00 | 323.25 | 0.31 | \$11,904.45 | -\$11,904.45 | 17.50 | \$603.33 | -\$25,015.56 |
| Total | 41,460.00 | 685.25 | 0.66 | \$29,950.68 | \$11,509.32 | 137.25 | \$7,288.06 | -\$33,017.48 |
| Actual Monthly Average Personnel Year | | | | 0.33 | | | | |

| 16/17 Fiscal Year-to-Date Lump Sum Payout | | | | | | |
|---|-----------------------|-------------------------------------|------------------|---------------------|-----------------------|-------------------------|
| July 2016 through December 2016 | | | | | | |
| Branch | Year-to Date Hours | Year-to-Date Position Equivalent | Year-to Date Pay | 16/17 Allocation | Allocation Balance | Estimated Over/Under |
| Appellate | 679.50 | 0.33 | \$40,511 | \$60,130 | \$19,619 | -\$20,892.14 |
| Admin | 0.00 | 0.00 | \$0 | \$5,000 | \$5,000 | \$5,000 |
| IT | -945.70 | -0.45 | -\$51,203 | \$5,000 | \$56,203 | \$40,443 |
| Exec | 2,017.00 | 0.97 | \$127,157 | \$29,614 | -\$97,543 | -\$224,699.24 |
| Field Operations | 1,990.40 | 0.96 | \$88,894 | \$828,748 | \$739,854 | \$650,959.54 |
| Total | 3,741.20 | 1.80 | \$205,358 | \$928,492 | \$723,134 | \$450,811 |



STATE OF CALIFORNIA – GOVERNOR
EDMUND G. BROWN, JR.

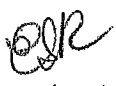
LABOR AND WORKFORCE DEVELOPMENT AGENCY
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

Post Office Box 944275
Sacramento, CA 94244-2750
Phone: (916) 263-6803
FAX: (916) 263-6837

January 23, 2017

TO: Mr. Juan Ceja
Claimant and Appellant
2134 Princeton St.
Delano, CA 93215-1217

Sandra V. Clifton
Chief Counsel
Employment Development Department
Respondent

FROM: Elise S. Rose 
Chief Administrative Law Judge
Appellate Operations

RE: Proposal to Adopt as Precedent the Board's Decision
in Case No. AO-389480 Concerning a Seasonal Employee's Eligibility
for State Disability Benefits When Disability Arose During Off-Season

By a decision issued on January 9, 2017, in Case No. AO-389480 copy enclosed, the Appeals Board issued a decision setting aside the decision by the field office Administrative Law Judge and the determination of the Employment Development Department (EDD) under Unemployment Insurance Code section 140.5. The Board found that the claimant was not ineligible for disability benefits under that code section.

The California Unemployment Insurance Code, section 409 provides, in pertinent part:

The appeals board, acting as a whole, may designate certain of its decisions as precedents. Precedent decisions of the appeals board are subject to Section 11425.60 of the Government Code. The appeals board, acting as a whole, may, on its own motion, reconsider a previously issued decision solely to determine whether or not the decision shall be designated as a precedent decision. Decisions of the appeals board acting as a whole shall be by a majority vote of its members. The director [of the Employment Development Department] and the appeals board administrative law judges shall be controlled by those precedents except as modified by judicial review. If the appeals board issues decisions other

than those designated as precedent decisions, anything incorporated in those decisions shall be physically attached to and be made a part of the decisions. The appeals board may make a reasonable charge as it deems necessary to defray the costs of publication and distribution of its precedent decisions and index of precedent decisions.

Government code section 11425.60 governs criteria for designating decision as a precedent and provides, in pertinent part:

An agency may designate a decision or part of a decision that contains a significant or policy determination of general application that is likely to recur. (Gov. Code, § 11425.60, subd. (b).)

CUIAB regulations go further in setting out the criteria we must apply in determining whether a case is an appropriate vehicle for a precedent decision:

§ 5109. Precedent Decision.

(a) A majority of the board acting as a whole may designate all or part of a decision as a precedent decision if it contains a significant legal or policy determination of general application that is likely to recur.

(b) A legal or policy determination is significant if it establishes a new rule of law or policy, resolves an unsettled area of law, or overrules, modifies, refines, clarifies, or explains a prior precedent decision.

(c) A legal or policy determination is of general application if the facts are sufficiently common to give guidance to future cases, clearly illuminate the legal or policy determination, and are significant to the parties, the public, the taxpayers, or the operation of the department or the agency.

(d) A legal or policy determination is likely to recur if it is of continuing public interest because of the frequency or the ongoing likelihood of occurrence.

(e) A precedent decision shall be clearly identified as such and published in such a manner as to make it available for public use. Information identifying any party, except the party's name, shall be removed prior to publication.

(f) The agency shall maintain an index of significant legal and policy determinations made in precedent decisions, in accordance with the requirements of Government Code section 11425.60.

(Cal. Code. Regs, tit. 22, § 5109.)

The Board will consider whether the above-referenced decision meets the criteria set forth in the California Unemployment Insurance Code and section 5109 of title 22, California Code of Regulations for a precedent decision. The matter will be presented

*to the Board at its upcoming meeting on **February 22, 2017**. Interested parties may submit public comment at the board meeting and/or submit written comments regarding the advisability of the Board's adopting this case as a precedent decision. Written comments are requested to be received by the Appeals Board no later than **5 p.m. on February 15, 2017**. Those comments should be entitled, "Comments on Case No AO-389480 Being Designated a Board Precedent" and mailed to Elise S. Rose, Chief Administrative Law Judge - Appellate Operations, California Unemployment Insurance Appeals Board, 2400 Venture Oaks Way, Suite 310, Sacramento, CA 95833 or faxed by the same deadline to Elise S. Rose, Chief Administrative Law Judge - Appellate Operations, California Unemployment Insurance Appeals Board at 916-263-6837. Any written comments by the parties to this case should include a certification that you have mailed a copy of your comments to each of the other addressees on the following list of entities that have participated in this particular case.*

Enclosure

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Case No.: AO-389480
Claimant: JUAN CEJA

The claimant appealed from the decision of the administrative law judge affirming the Employment Development Department (EDD) determination holding the claimant not eligible for disability benefits under section 140.5 of the Unemployment Insurance Code¹ beginning January 26, 2016. The administrative law judge found that the claimant was not suffering a wage loss due to disability because, as a seasonal worker, he would not normally be working at the time the disability commenced.

ISSUE STATEMENT

Given that the claimant was a seasonal worker whose disability commenced in the off-season, did the claimant suffer a wage loss due to a disability under code section 140.5?

FINDINGS OF FACT

The claimant is a seasonal agricultural worker who has been working for the employer from approximately April to November for 20 years. Prior to filing his claim for disability benefits the claimant last worked from March 25, 2015 to November 14, 2015 and was laid off at the end of the season.

After he was laid off, the claimant filed a claim for unemployment insurance benefits and received benefits through January 9, 2016. In order to receive unemployment insurance benefits, EDD requires claimants to certify weekly that they are able and available for work and also to register for work with CalJOBS². The claimant met these requirements while receiving unemployment insurance benefits.

On or about February 24, 2016, the claimant filed a claim for state disability insurance benefits because he was diagnosed with Type II Diabetes Mellitus and hyperglycemia. The claimant's doctor certified that the period of disability began on January 29, 2016. EDD provided the claimant with a disability claim effective date of January 26, 2016. EDD, however, disallowed the claim based on the determination that the claimant did not suffer a wage loss due to disability or

¹ Unless otherwise indicated, all code references are to California's Unemployment Insurance Code.

² The CalJOBS system is California's on-line resource to help job-seekers and employers navigate the state's workforce services.

illness because he was unavailable for work. EDD made this determination based on the claimant's history of seasonal work, and concluded, based on a seasonal pattern in the wages and the time his past unemployment insurance claims were filed, that he was not working because the season had ended. Based on its conclusion that the wage loss was not due to the disability, but rather to the seasonal work ending, EDD found the claimant ineligible for disability benefits.

The claimant was called back to work in April, 2016. The claimant did not return to work at that time due to his medical condition. As of the hearing date of May 2, 2016, the claimant's doctor had not yet released the claimant back to work³.

REASONS FOR DECISION

Code section 140.5 defines "disability benefits" as money payable to an eligible unemployed individual with respect to wage loss due to unemployment as a result of illness or other disability which makes an individual unavailable or unable to work. (Unemployment Insurance Code, section 140.5.)

- I. Under code section 140.5, whether a claimant has withdrawn from the labor market prior to the onset of the disability or illness is crucial to the initial determination of whether the claimant is ineligible for disability benefits.
 - A. The length of time of unemployment prior to the onset of disability impacts the evaluation as to whether a claimant has withdrawn from the labor market. (Cal. Code Regs., Title 22, section 2601-1, subd. (u).)

Cal. Code Regs., Title 22, section 2601-1, subd. (u) provides:

For the purposes of Section 140.5 of the code no individual shall be deemed eligible for disability benefits for any week of unemployment unless such unemployment is due to a disability.

(1) If an individual has been neither employed nor registered for work at a public employment office or other place approved by the director for more than three months immediately preceding the beginning of a period of disability, he or she is not eligible for

³ As of the time of the hearing, EDD had not determined whether the claimant was otherwise eligible for disability benefits, including whether the claimant had a qualifying disability for purposes of eligibility for disability insurance benefits. The claimant was found ineligible for disability benefits solely under the provisions of code section 140.5.

benefits unless the department finds that the unemployment for which he or she claims benefits is due to a disability and is not due to his or her previous withdrawal from the labor market.

Thus, where the disability or illness occurs more than three months after a claimant has been unemployed and not registered for work, this regulation establishes, in effect, a presumption that the claimant has previously withdrawn from the labor market and that the wage loss is not due to illness or other disability. The claimant is ineligible for disability benefits unless it is found that the wage loss from unemployment is due to a disability rather than a previous withdrawal from the labor market.

If, however, the claimant last worked or was registered for work within the three months preceding the onset of the disabling condition, then no presumption arises under the regulation. (Cal. Code Regs., Title 22, section 2601-1, subd. (u).) If there is no presumption, the claimant is not ineligible under code section 140.5, unless EDD finds that during the three month period of unemployment the claimant withdrew from the labor market for reasons other than illness or disability (e.g. for personal reasons⁴ or to start a business⁵, etc.). In such a case, EDD may find the claimant ineligible for disability benefits under code section 140.5 because the wage loss was not caused by the disability or illness.

In this case, the claimant last worked on November 14, 2015. His doctor certified he was disabled on January 29, 2016, less than three months from the date he last worked. The presumption of ineligibility under 22 California Code of Regulations, section 2601-1, subd. (u) does not apply because the claimant worked less than three months prior to the onset of his disability. He also received unemployment benefits until 17 days prior to the onset of his disability, which is evidence that he continued to be registered for work and certify to his availability to work up to that time. Therefore, within the three months preceding the onset of his medical condition, the claimant had worked in his seasonal job and was registered for work while receiving unemployment benefits. Thus, EDD cannot presume that the claimant's wage loss was caused by his previous withdrawal from the labor market. Instead, to find the claimant ineligible for benefits, EDD must determine whether the claimant's wage loss was caused by his unavailability for work due to his medical condition or was he "unavailable" prior to his disability onset for other reasons.

B. Unemployment insurance law establishes that a lack of work for seasonal workers does not necessarily preclude their eligibility for

⁴ Precedent Decision P-D-381

⁵ Precedent Decision P-D-402

unemployment insurance benefits; the rationale of that law can be applied to disability cases.

In this case, in determining whether the claimant is ineligible for disability benefits, EDD relied on the claimant's history of lack of work in the off-season to conclude that the claimant's loss of wages was caused by the claimant's lay-off at the end of the season. Therefore, EDD determined that the claimant had withdrawn from the labor market due to being unavailable for work in the off-season.

The language of code section 140.5 defines "disability benefits" as benefits paid to an individual whose wage loss is due to "unemployment as a result of illness or other disability, resulting in that individual being unavailable or unable to work" as opposed to unemployment that occurs as a result of some other circumstance.

The issue of eligibility for benefits for seasonal workers during their off-season has been examined in unemployment insurance cases. As set forth below, unemployment as a result of lack of work for seasonal workers during the off-season does not mean they are "unavailable or unable to work" and does not preclude their eligibility for unemployment insurance benefits.

In unemployment insurance cases, in general, the claimant has to be able and available for work to be eligible for benefits. (Unemployment Insurance Code, section 1253, subd. (c).) When interpreting the phrase "unavailable . . . to work" in section 140.5, a code section governing disability benefits, the issue is whether we should consider the courts' well-established interpretation of the phrase "available for work" under code section 1253, subd. (c), a code section regulating unemployment insurance benefits.

"Availability for work" within the meaning of code section 1253, subdivision (c), requires no more than (1) that an individual claimant be willing to accept suitable work which he has no good cause for refusing and (2) that the claimant thereby make himself available to a substantial field of employment.

(Sanchez v. Unemployment Insurance Appeals Board (1977) 20 Cal.3d 55, 67.)

Furthermore, "once a claimant has shown he is available for suitable work which he has no good cause for refusing, the burden of proof on the issue of whether he is available to a 'substantial field of employment' lies with the department." *(Glick v. Unemployment Insurance Appeals Board (1979) 23 Cal. 3d 493, 505, quoting, Sanchez v. Unemployment Ins. Appeals Board, supra, at p. 71.)*

In California, the courts, the legislature, and this Board have recognized that the hardships of seasonal agricultural labor support a liberal interpretation of the unemployment laws. The law is well settled that, like other out-of-work employees, so long as they are able and available for work during their off season, seasonal workers are generally entitled to unemployment insurance benefits because they are unemployed through no fault of their own. (See *Rios v. Employment Dev. Dep't* (1986) 187 Cal.App.3d 489; Unemployment Insurance Code, section 2601 (The disability provisions "shall be construed liberally in aid of its declared purpose to mitigate the evils and burdens that fall on the unemployed worker and his or her family."); (Precedent Decision P-B-200).)⁶

Specifically, in *Rios*, the Court rejected the argument "that migrant workers must remain mobile" in order to be considered available for work. (*Rios v. Employment Dev. Dep't*, *supra*, 187 Cal.App.3d at p. 495.) The *Rios* Court held that the migrant workers had good cause to terminate their migratory condition because they are not required to "live as unwilling nomads, in a state of perpetual migration, in order to be eligible for unemployment benefits". (*Ibid.*) Furthermore, the Court noted the migrant farm workers who worked in California several months each year, and then, in the off-season, returned to their permanent homes in Texas, were available for work for purposes of unemployment insurance benefits (*Id.* at p. 492). The Court reasoned that: 1) the simultaneous loss of employment and affordable housing supported a finding they had good cause to return to their permanent homes in Texas (*Id.* at p. 494.); and 2) it was "irrelevant whether there was actually a demand for the farmworkers' labor in Texas" as long as the claimants made themselves "available for employment by more than a minimal number of employers. . . ." (*Id.* at p. 496, citing, *Glick v. Unemployment Ins. Appeals Board*, *supra*, 23 Cal.3d at p. 503.) Instead, "the test of availability may not be predicated upon the lack of openings for a claimant, but rather must be based upon whether there is a potential employment field." (*Rios v. Employment Dev. Dep't*, *supra*, at p. 496, citing, *Sanchez v. California Unemployment Insurance Appeals Board*, *supra*, 20 Cal.3d at p. 67, fn. 11 (internal citations omitted).)

Additionally, in Precedent Decision P-B-200, this Board found that a seasonal worker in a resort town, who was unemployed because there was no work after the resort season ended, was eligible for unemployment insurance benefits because she was able and available for work and had not withdrawn from the labor market. The Board held that "the claimant's unemployment was due, not to her withdrawal from the labor market but rather to the failure of industry to offer

⁶ But see *Swaby v. Unemployment Ins. Appeals Bd.* (1978) 85 Cal.App.3d 264, a case where a migrant worker unreasonably restricted his labor market to a single grape field, which limited his availability to an insubstantial field of employment, making him unavailable for work. (*Rios v. Employment Dev. Dep't*, *supra*, 187 Cal.App.3d at p. 495.)

her employment." The Board held that the seasonal nature of the claimant's work did not affect her eligibility for unemployment insurance benefits.

These cases establish that, for purposes of unemployment insurance, the fact that a claimant is a seasonal employee in the off-season, and may be unlikely to find work, does not preclude that claimant from receiving unemployment insurance benefits. The same rationale should apply in cases where seasonal workers seek disability benefits in the off-season.

- C. Code section 140.5 should be interpreted to further the interrelated purposes of the unemployment insurance and disability insurance programs so that a seasonal worker is not precluded from receiving disability insurance in the off-season unless he had made himself unavailable for work.

The history and purposes of these interrelated programs is helpful to our analysis. Wage-loss protection legislation began with the worker's compensation laws. The theory underlying worker's compensation "legislation is, succinctly stated, that industry should bear, in large measure, the burden of industrial accidents." (*California Compensation Ins. Co. v. Industrial Acci. Com.* (1954) 128 Cal.App.2d 797, 805.) Unemployment Insurance was to provide benefits to eligible workers deprived of wages due to unemployment, to "cushion the impact of . . . seasonal, cyclical, and technological idleness". (*Ibid.*, citing *Chrysler Corp. v. California Employment Stabilization Com.* (1953) 116 Cal.App. 2d 8, 16.)

State disability insurance benefits were implemented in 1946 under the Unemployment Compensation Disability Act. (*California Compensation Ins. Co.*, *supra*, 128 Cal.App.2d at p. 805 (internal citations omitted).) The Unemployment Compensation Disability Act is "designed to provide benefits for loss of wages by an employee while disabled under conditions not entitling him to the protection of the Workmen's Compensation Act." (*Ibid.*)

Moreover, the purpose of disability benefits is to compensate in part for the wage loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting from disability. (Unemployment Insurance Code, section 2601.) The disability compensation part of the code must be construed liberally in furtherance of its declared purpose. (*Ibid.*)

Thus, disability insurance and unemployment insurance benefits are part of a comprehensive, integrated program of social insurance which, together with workers' compensation insurance, is designed to alleviate the burden of a loss of

wages by a particular employee during a particular period of time. (*Bryant v. Industrial Acci. Com.* (1951) 37 Cal.2d 215, 218; Precedent Decision P-B-369.)

These programs are interrelated by the common principle of permitting only a single recovery of benefits at one time. (Precedent Decision, P-B-369, citing, *California Compensation Ins. Co. v. Industrial Acci. Com.*, *supra*, 128 Cal.App.2d at p. 806.)

Significantly, an individual not eligible for unemployment insurance benefits because that individual cannot meet the requirement of being able and available for work may be eligible for disability insurance benefits. (Unemployment Insurance Code, sections 1253, subd. (c) and 2628.)⁷ Disability insurance is also available to an employee if that employee experiences wage loss under conditions either not entitling him to the protection of the Worker's Compensation Act at all, or not providing adequate compensation (See e.g., *Bryant v. Industrial Acci. Com.* (1951) 37 Cal.2d 215).

To ensure protection for individuals who are unemployed through no fault of their own, a claimant's efforts to secure unemployment insurance benefits and disability insurance benefits in the same time frame should be considered as one transaction. (Precedent Decision P-B-398.)⁸ That is, the claimant's ineligibility for unemployment insurance benefits under code section 1253, subdivision (c) because of an inability to work, raises the issue of the claimant's eligibility for disability benefits.

D. Just as seasonal workers are not considered unavailable for work during their off-season for purposes of eligibility for unemployment benefits, neither should they be considered unavailable for work and ineligible for disability benefits just because their disability arose during the off-season.

⁷ "An individual is not eligible for disability benefits with respect to any period for which the director finds that he has received or is entitled to receive unemployment compensation benefits under Part 1 of this division or under an unemployment compensation act of any other state or of the Federal Government." (Unemployment Insurance Code, section 2628.)

⁸ Specifically, the Board stated in Precedent Decision P-B-398 as follows:

Since the unemployment insurance and the unemployment compensation disability programs are interrelated, we are of the opinion that, where it appears that the claimant might be entitled to benefits under any provision of the Unemployment Insurance Code but the question is which program should pay the benefits, the claimant's eligibility for both types of benefits should be considered. Thus, if it is held that he is not entitled to one, he may be able to receive the other. Where the department is put upon notice that a claimant may have misjudged the type of claim he should file, there appears to be no reason why the department should not withhold its determination on the first claim until the other kind of claim is filed and evaluated so that proper determinations may be based upon full consideration of all factors that will affect the claimant's entitlement to appropriate benefits.

If a seasonal worker is considered available for work in the off-season for purposes of the unemployment insurance program, then the seasonal worker has not withdrawn from the labor market. Thus, if the worker then becomes disabled due to injury or illness, it follows that the seasonal worker would not be considered withdrawn from the labor market simply because it is off-season.

As discussed above, code section 140.5 must be read within the context of the liberal interpretation required by code section 2601, as well as the comprehensive statutory scheme designed to mitigate the burdens of unemployment whether caused by layoff, injury or illness.

Thus, if seasonal workers are unable to work because of illness or disability, they are ineligible for unemployment insurance benefits because they are not able and available for work. (Unemployment Insurance Code, section 1253, subd. (c).) Depriving seasonal workers, who become disabled during the off-season, of disability benefits simply because they have not found work in the off-season in the past, would essentially leave these disabled workers without any benefits under any of these programs. Disability benefits are intended to fill this gap in the safety net and compensate, in part, for the wage loss sustained by individuals unemployed because of sickness or injury resulting in the inability to perform their usual and customary work. (See e.g., *Bryant v. Industrial Acci. Com.*, *supra*, 37 Cal.2d at p. 218.)

It would be contrary to the purposes of these programs to deny benefits for disability just because the claimant happened to be unemployed through no fault of his own at the onset of his disability. Therefore, the fact that a claimant is a seasonal agricultural worker, who has been unable in years past to find work in the off-season, is insufficient, in and of itself, to conclude that the claimant is unavailable for work because it is the off-season as opposed to unavailable for work because of illness or disability.

II. If the claimant suffered "a wage loss due to unemployment as a result of illness..." his illness, and not the lack of work, made him "unavailable or unable to work" and thus he was not ineligible for benefits under code section 140.5.

A. The claimant did not withdraw from the labor market prior to the onset of his disability, under regulation section 2601-1, subdivision (u).

As stated above, there is no presumption that the claimant has withdrawn from the labor market in this case, and the facts indicate that the claimant was attached to the labor market prior to the onset of disability. Therefore, to find that

the claimant is unattached to the labor market, EDD must find sufficient evidence that the claimant's wage loss is due to being unavailable for work for reasons other than illness or disability.

B. Nothing in the record indicates that the claimant was unavailable for work at the time of the onset of his disability.

Under *Rios*, for purposes of unemployment insurance benefits, claimants are not considered unavailable for work in the off-season simply because they historically perform seasonal work. (*Rios v. Employment Dev. Dep't*, *supra*, 187 Cal.App.3d at p. 492.) Similarly, code section 140.5 does not necessarily preclude a seasonal worker who suffers a disability while unemployed during the off-season from receiving disability benefits.

Here, the claimant ordinarily did not find work in the off-season. However, there was nothing in the record to show that, at any time prior to the onset of the disability, the claimant had failed to look for suitable work or would not have accepted suitable work. On the contrary, the record would indicate that the claimant continued to certify that he was searching for work up until 17 days before his doctor certified the commencement of his disability. Furthermore, there is a lack of evidence that the claimant failed to make himself available to a substantial field of employment. In addition, nothing in the record indicates that the services which the claimant performs, agricultural labor, are not generally performed in the geographical area in which the claimant resides. We also note that, due to his medical condition, the claimant's doctor had not released him to return to work when work was offered to him in April 2016, the start of the next season.

The claimant was denied disability insurance benefits simply because he was a seasonal worker with a history of collecting unemployment benefits during the off season, the time when his disability arose. However, as explained above, a seasonal worker has not withdrawn from the labor market simply because that worker has difficulty finding work during the off-season. The labor market generally includes employed people and those actively seeking employment. Thus, although the claimant did not customarily work during the off-season, there is insufficient evidence that he was not looking for suitable work or placing unreasonable restrictions on his availability for work.

For these reasons, and because the disability insurance program was designed to alleviate the burden of a loss of wages by claimants, we find that the claimant is not ineligible for benefits under code section 140.5. Accordingly, the decision of the administrative law judge is reversed.

The claimant has submitted additional information which should have been presented at the hearing. To consider this information now would violate due process because the parties have not had the opportunity to rebut or refute the evidence or question witnesses about it. Moreover, the administrative law judge did not have an opportunity to consider this information in arriving at a decision. For these reasons, and because the parties were advised in the hearing notice to bring all documents and witnesses to the hearing, we have not considered this information in our deliberations, for to do so now would be improper and would violate due process. (Precedent Decision P-B-144.)

DECISION

The decision of the administrative law judge is reversed. The claimant is not ineligible for disability benefits under code section 140.5. Disability benefits are payable provided the claimant is otherwise eligible.

PROOF OF SERVICE

If you mail or fax any letters/documents to the Appeals Board, you must also serve a copy of the letters/documents on the ***Opposing Party***. Complete the form below and attach it to the letters or documents you mail or fax to the Appeals Board. *This will expedite the processing of your appeal.*

AB CASE NO: AO- OR SSA NO:

On _____ I, _____, served a copy of _____
(Date) (Print your name)

(Identify documents – e.g., letter, additional evidence, written argument)

on _____
(Name of opposing party being served)

INDICATE MANNER IN WHICH OPPOSING PARTY IS BEING SERVED:

_____ By Mail Addressed As Follows:

(Name of Opposing Party)

(Street or P.O. Box)

(City, State, Zip Code)

_____ Faxed or E-mailed to:

(Name of Opposing Party)

(Fax No. or E-mail address)

_____ By Personal Delivery:

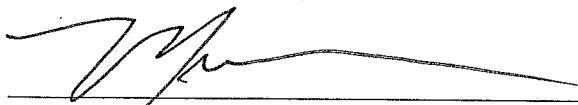
(Name of Opposing Party)

Delegation of Authority by Chair, CUIAB

Pursuant to Appeals Board Policy Statement No. 19—Delegation of Authority, the Board has directly delegated authority to the Executive Director for the appointment, direction, and control of the activities of the administrative law judges and their staff working at the first level of appeal. Authority for the appointment, direction, and control of the activities of all other staff of the CUIAB is delegated to the Chair of the Board, which authority may be further delegated to a designee.

In accordance with those provisions, I hereby delegate to the Executive Director my authority for the appointment, direction, and control of the activities of all other staff of the CUIAB, except that the Executive Director shall not participate in the consideration of cases at the appellate level in order to preserve the legally-required separation between the field and appellate operations with regard to the quasi-judicial decision-making functions of the CUIAB.

As provided in Appeals Board Policy Statement No. 19, the Executive Director shall work closely with the Chair, and provide reasonable written advance notice to the Chair of any significant personnel or operational decisions. The Executive Director shall also communicate regularly with the Chair regarding progress on matters that the Board has deemed critical to the success of CUIAB, including by way of example, compliance with state and federal timeliness requirements, technological improvements to improve efficiencies and to provide better service to our constituents, and budgetary issues.



Marty Block, Chair
CUIAB

2/21/17

Date